

**STATE OF ILLINOIS  
ILLINOIS COMMERCE COMMISSION**

Ameren Transmission Company of Illinois	}	
	}	
Petition for a Certificate of Public Convenience	}	
and Necessity, pursuant to Section 8-406.1 of	}	
the Illinois Public Utilities Act, and an Order	}	
pursuant to Section 8-503 of the Public Utilities	}	Case No.: 12-0598
Act, to Construct, Operate and Maintain a New	}	
High Voltage Electric Service Line and Related	}	
Facilities in the Counties of Adams, Brown, Cass,	}	
Champaign, Christian, Clark, Coles, Edgar,	}	
Fulton, Macon, Montgomery, Morgan, Moultrie,	}	
Pike, Sangamon, Schuyler, Scott, and Shelby,	}	
Illinois.	}	

**INITIAL BRIEF ON REHEARING OF THE MORGAN, SANGAMON, AND  
SCOTT COUNTIES LAND PRESERVATION GROUP**

**I. INTRODUCTION**

NOW COMES the Morgan, Sangamon, and Scott Counties Land Preservation Group (hereinafter referred to as “MSSCLPG”), by and through its attorneys, Edward D. McNamara, Jr. and Joseph H. O’Brien of McNamara & Evans, and for its Initial Brief on Rehearing, states as follows:

**II. LEGAL STANDARD**

This matter comes on now for briefing on rehearing of the Petition of Ameren Transmission Company of Illinois (hereinafter referred to as “ATXI”) for a Certificate of Public Convenience and Necessity, pursuant to Section 8-406.1 of the Illinois Public Utilities Act, and an Order pursuant to Section 8-503 of the Public Utilities Act. ATXI elected to file its Petition pursuant to 220 ILCS 5/8-406.1, expedited procedure, which provides in relevant part as follows: “The Commission shall issue its decision with findings of fact and conclusions of law granting or denying the application no later than 150 days after the application is filed.” Based up the foregoing, this matter is bound by certain

time constraints. 220 ILCS 5/8-406.1(f) directs that the Commission grant the requested certificate of public convenience and necessity if the following criteria are met:

- “(1) That the Project is necessary to provide adequate, reliable, and efficient service to the public utility's customers and is the least-cost means of satisfying the service needs of the public utility's customers or that the Project will promote the development of an effectively competitive electricity market that operates efficiently, is equitable to all customers, and is the least cost means of satisfying those objectives.
- (2) That the public utility is capable of efficiently managing and supervising the construction process and has taken sufficient action to ensure adequate and efficient construction and supervision of the construction.
- (3) That the public utility is capable of financing the proposed construction without significant adverse financial consequences for the utility or its customers.”

#### IV. REHEARING ROUTES

##### A. Meredosia-Pawnee

##### 1. Length of the Line

On rehearing, two possible routing options are being considered: (1) The option advocated by MSSCLPG and Commission Staff, commonly referred to herein as the MSCLTF Route, and (2) the option advocated by ATXI, commonly referred to herein as the Rebuttal Recommended Route. The MSCLTF Route (following the route of an existing 138 kV line) runs only 57.3 miles, while the Rebuttal Recommended Route runs 75.6 miles. (ICC Staff Exhibit 1.0R, 37:778-779) Witness Donell Murphy of ATXI reaffirmed the fact that the MSCLTF Route is the shorter option in Table 1 to her Direct Testimony on Rehearing. [ATXI Exhibit 3.0(RH) 7:93]

##### 2. Difficulty and Cost of Construction

Cost of construction would seem to provide the most overwhelming evidence that the MSCLTF Route (following the route of an existing 138 kV line and advocated by MSSCLPG and Commission Staff) presents the clear least-cost alternative. ATXI's own Exhibit 16.3 provides the cost estimates, estimates which were affirmed by Commission Staff Witness Greg Rockrohr during his testimony at hearing herein on May 13, 2013. The Rebuttal Recommended Route would cost \$144,205,000.00,

far and away the costlier the two options now presented to the Commission for consideration. To put this in clearer perspective, the Rebuttal Recommended Route would be some \$36.78 million costlier than the MSCLTF Route advocated by MSSCLPG and Commission Staff.

In terms of difficulty of construction, consider that the MSCLTF Route is far and away the shorter of the route options, far and away the least cost option, and would follow an existing right-of-way which already has vehicular access for service and maintenance. Add to that the fact that the Rebuttal Recommended Route would require an estimated twenty-four (24) dead end structures, while the MSCLTF Route would require only fourteen (14). ATXI Witness Donell Murphy reaffirmed the fact that the MSCLTF Route is the least costly option in Table 1 to her Direct Testimony on Rehearing. [ATXI Exhibit 3.0(RH) 7:93] MSSCLPG Expert Witness Steven J. Lazorchak, P.E., CEM, in his Sur-Rebuttal Testimony on Rehearing, summed up his expert opinion from an engineering perspective as follows:

“The engineering process (in this case the selection of the optimal route for the 345 kV segment of transmission line between Meredosia and Pawnee) includes a variety of realistic constraints, such as economic factors, safety, reliability, aesthetics, ethics, and social impact. The economic factors, in particular the ‘least-cost’ approach, should be commensurate with good engineering practice, Illinois Commerce Commission and MISO mandated, and should be of particular import to the shareholders of ATXI as it is a significant financial contributor to this Project. There can be a distinction drawn between ‘least initial dollar cost’ and ‘least-cost means,’ which would take into account factors beyond the initial costs of design, construction, and operation, but no such evidence has been presented to date that would justify an initial expenditure of approximately \$36.78 million more to construct the Rebuttal Recommended Route as opposed to the MSCLTF Route.” (MSSCLPG Exhibit 14.0, 2:24-35)

3. Difficulty and Cost of Operation and Maintenance

Once again, considering the facts that the MSCLTF Route is far and away the shorter of the routing options and would follow the right-of-way provided by an existing line, it stands to reason that the MSCLTF Route would present greater ease of access for operation and maintenance. When

presented at hearing with various posited drawbacks involved with paralleling the lines, Commission Staff Witness Rockrohr made clear that, from an “engineering standpoint,” there is “nothing unsafe or inherently unreliable about having two transmission lines that do not serve the same function or area routed adjacent to each other.” (Tr. 236:16-21) No new evidence was presented by ATXI on rehearing to dispute or debunk that statement. Placing the new line along the existing 138 kV right-of-way provides no increased maintenance issues. In response to concern for an event causing both lines to fail simultaneously, Mr. Rockrohr made the point that both lines will not be serving the same area, thus not presenting a critical problem. (Tr. 237) In addition, Mr. Rockrohr went on to state that the lines could be constructed in such a manner as to prevent the risk of one line interfering with the operation of another. (Tr. 238:5-13) No new evidence was presented by ATXI on rehearing to dispute or debunk those statements by Mr. Rockrohr.

#### 4. Environmental Impacts

As stated in the Direct Testimony of Paul Bergschneider: “The farmland [. . .] in the area of the proposed Alternate Route consists of fields that were drained over a hundred years ago. This drainage was achieved and is maintained via ditches that run along the property lines. The plan to erect power line poles along the property lines would jeopardize the drainage system as it exists, and has existed for over one hundred years. Any obstruction or bypass to the existing drainage system would cause flooding and moisture flux that could very well make profitable farming of the land untenable.” (Intervenor MSSCLPG Exhibit 1.0, 4:77-83) Kelly Dodsworth stated in his Direct Testimony: “I purchased this land primarily to enjoy the recreational opportunities afforded by such naturally pristine and intact land, activities such as morel mushroom hunting, fishing, swimming, camping, wildlife observation, and deer, turkey, pheasant, quail, dove, and rabbit hunting. Some of the most beautiful wildlife on my land is that surrounding the pond on the ridge overlooking the

Sandy Creek Valley. The proposed Alternate Route would cut directly through this naturally occurring beauty.” (Intervenor MSSCLPG Exhibit 3.0, 4:74-79) Additional testimony was presented on rehearing by MSSCLPG witnesses Wayne Edwards, Rustin Godfrey, Garry Niemeyer, Steve Rhea, Jeff Spencer, and Darrel Thoma reiterating, reaffirming, and substantiating the previous testimony of MSSCLPG. No new evidence was presented by ATXI on rehearing to dispute or debunk those statements. ATXI Witness Donell Murphy reaffirmed the fact that the MSCLTF Route would provide less ground disturbance in Table 1 to her Direct Testimony on Rehearing. [ATXI Exhibit 3.0(RH) 7:93]

5. Impacts on Historical Resources

No evidence has been presented herein as to the impact on historical resources by the MSCLTF Route. Kelly Dodsworth provided the following in his Direct Testimony as it relates to the Rebuttal Recommended Route: “[T]he land which is the interest of the Morgan, Sangamon, and Scott Counties Land Preservation Group has been found to be quite archaeologically significant. Pottery shards and a Hopewell Indian burial mound have, in fact, been found directly in the path of the proposed Alternate Route. The land itself has been the focus of documentation by the Illinois State Archaeological Survey (Ken Farnsworth, Senior Research Editor). The [Rebuttal Recommended Route] would be a clear disruption of archaeologically significant land.” (Intervenor MSSCLPG Exhibit 3.0, 3:54-60) ATXI Witness Donell Murphy reaffirmed the fact that the MSCLTF Route would affect fewer archaeological sites in Table 1 to her Direct Testimony on Rehearing. [ATXI Exhibit 3.0(RH) 7:93]

6. Social and Land Use Impacts

Again, as was the case with cost of operation and maintenance, it stands to reason that a shorter and moreover *existing* right-of-way presents the least impact in terms of social and land use factors. The new line, if constructed along the MSCLTF Route, would follow a route already in use for much the

same purpose, thus causing little discernible increase to any social and land use characteristics of the land. The Rebuttal Recommended Route, if selected, would necessitate construction through previously unfettered land, and would cause all of the social and land use tumult that comes with the construction of a new right-of-way to all of the affected landowners and residents along and upon its path. ATXI Witness Donell Murphy testified that the impact of the two routing options would be “the same” as they relate to this criterion in Table 1 to her Direct Testimony on Rehearing. [ATXI Exhibit 3.0(RH) 7:93]

7. Number of Affected Landowners and other Stakeholders  
The most dramatic *new* evidence presented on rehearing relates to this criterion. MSSCLPG Exhibit 11.1 was admitted into evidence on rehearing by MSSCLPG. This exhibit was prepared by MSSCLPG witnesses Darrel Thoma, Rustin Godfrey, Kelly Dodsworth, and Jeff Spencer. MSSCLPG Exhibit 11.1 is a comparison of affected interests along and upon the two routing options. MSSCLPG Exhibit 11.1 indicates that there exist 15 farm sites, some of which consist of multiple buildings, along the MSCLTF Route, while there exist 44 farm sites along the Rebuttal Recommended Route. No evidence or testimony was presented on rehearing by ATXI to dispute or debunk MSSCLPG Exhibit 11.1. Commission Staff Witness Greg Rockrohr in fact described the MSCLTF Route as “superior” to the Rebuttal Recommended Route and based this testimony in part upon the data found in MSSCLPG Exhibit 11.1, stating that the MSCLTF Route “would impact far fewer landowners and residences.” (ICC Staff Ex. 4.0RH, 2:25-29) ATXI Witness Donell Murphy reaffirmed the fact that the MSCLTF Route would affect far fewer landowners in Table 1 to her Direct Testimony on Rehearing. [ATXI Exhibit 3.0(RH) 7:93]

8. Proximity to Homes and Other Structures  
See IV(A)(7) above.

9. Proximity to Existing and Planned Development

Proximity to existing structures has been well documented and is addressed in both IV(A)(7) and IV(A)(8) above. MSSCLPG Witness Garry Niemeyer testified at length as to the detrimental impact selection of the Rebuttal Recommended Route would have on planned development, specifically subdivision and farm operations. (MSSCLPG Exhibit 7.0)

10. Community Acceptance

Community acceptance for the existing 138 kV right-of-way is already in place. Selection of any routing option other than the MSCLTF Route has been and will be met with outcry from the potentially affected community. MSSCLPG is fighting against selection of the Rebuttal Recommended Route. Only three parties are participating in this rehearing as it relates to the Meredosia to Pawnee segment: (1) MSSCLPG, (2) ATXI, and (3) Commission Staff. The only disinterested and presumably truly objective party to rehearing would be Commission Staff. Commission Staff advocates selection of the MSCLTF Route and in fact refers to the MSCLTF Route as the “superior” option. (ICC Staff Ex. 4.0RH, 2:25)

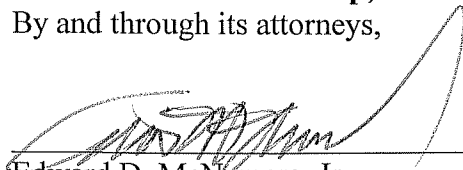
11. Visual Impact

Again, adding the new line to the existing 138 kV line along the same path, the same right-of-way, and in a parallel fashion will have the least impact to the aesthetics of the affected area. New construction for a new line along a new route where no existing corridor exists will, by its very nature, change the landscape of the affected area. ATXI Witness Donell Murphy testified that the impact of the two routing options would be “the same” as they relate to this criterion in Table 1 to her Direct Testimony on Rehearing. [ATXI Exhibit 3.0(RH) 7:93]

12. Presence of Existing Corridors

The MSCLTF Alternate Route is the only option now before the Commission for the segment from Meredosia to Pawnee which utilizes an existing corridor, that created by the existing 138 kV right-of-way.

Respectfully Submitted,  
Morgan, Sangamon, and Scott Counties  
Land Preservation Group,  
By and through its attorneys,

  
Edward D. McNamara, Jr.  
Joseph H. O'Brien


**VERIFICATION**

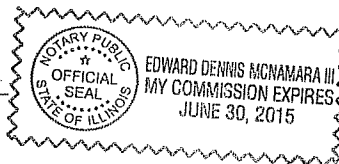
STATE OF ILLINOIS       }  
  }SS  
COUNTY OF SANGAMON }

Edward D. McNamara, Jr., being first duly sworn, deposes and says that he is authorized to execute this Initial Brief; that he has read the above and foregoing document, has knowledge of the facts stated therein; and herewith states that the matters set forth therein are true in substance and in fact.

Subscribed and Sworn to before me  
this 30th day of December, 2013.

  
Edward D. McNamara, Jr.

  
Notary Public



**CERTIFICATE OF SERVICE**

Edward D. McNamara, Jr., an attorney, hereby certifies that he served copies of the foregoing Initial Brief on the individuals shown on the attached Service List, via electronic mail, on December 30, 2013.

  
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